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REMARKS

1. Claims Rejections - 35 U.S.C. §101 – Claims 3-5, 24-26, 45-47, and 66-68

Claims 3-5, 24-26, 45-47, 66-68, were rejected under 35 U.S.C. § 101 for the recitation of “a user” in the claim language. Applicants respectfully traverse this rejection, which is based upon to position that the Applicants are positively claiming a human being. However, in order to expedite prosecution of the present application, equivalent claim language has been substituted that does not include the words, “a user.” Accordingly, Applicants submit that the 35 U.S.C. § 101 rejection has been overcome.

2. Claims Rejections - 35 U.S.C. §102(b) – Claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, 76-83, and 85

Claims 1-87 are pending in the present application. Claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, 76-83, and 85 were rejected in the Office Action dated April 23, 2003, under 35 U.S.C. § 102(b) as being anticipated by Marchini et al. (GB Patent No. 2,251,112). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 1, 22, 42, 43, and 64 have been amended. Claims 1, 22, 42, 43, and 64 are independent claims. Claims 2, 4-5, and 13-20 depend from independent claim 1; claims 23, 25-26, and 34-41 depend from independent claim 22; claims 44, 46-47, and 55-62 depend from independent claim 43; and claims 65, 67-68, and 76-83 depend from independent claim 64. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that dependent claims are also patentably distinct over the prior art as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

The Examiner states, “Marchini teaches a gaming machine that includes a touch-screen device for controlling, in conjunction with a computer, a game including a slot machine game.” However, the Marchini patent does not teach or suggest each and every element of the claimed invention, as amended. In this regard, the Marchini patent does not teach or suggest a mechanical reel-spinning gaming machine that includes:

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(1) a reel-compatible touch panel controller that registers and interprets the touch data from the touch panel in real time, wherein the reel-compatible touch panel controller registers the touch data in real time and operates at a level that is sufficient to support mechanical reel control; or

(2) touch panel reel software that interprets and utilizes the touch data received from the touch panel controller in real time and operates at a level that is sufficient to support mechanical reel control, and wherein the touch panel reel software communicates the touch data to a reel controller that manipulates the mechanical reels in accordance with the touch data received.

Importantly, standard touch screens are incapable of controlling a mechanical reel-spinning gaming machine. One could NOT simply connect a standard touch screen attachment to a mechanical reel-spinning gaming machine and control the mechanical reels, thereby emulating the claimed invention. Prior art standard touch screens do NOT function at a level sufficient to support mechanical reel control. Nor would a standard mouse or other standard selection device function at a level sufficient to support mechanical reel control. Specifically, touch screen mechanical reel control requires the reel-compatible touch panel controller and the touch panel reel software of the claimed invention.

Significantly, a mechanical reel-spinning gaming machine requires a completely different (and incompatible) control system than that used by a video gaming machine, which displays a video representation of spinning reels (or other gaming objects). More specifically, prior to the claimed invention of the present application, the touch-screen systems that were typically utilized in conjunction with video gaming machines (or other video display systems) were incompatible with mechanical reel spinning assemblies. This is due to the fact that, prior to the claimed invention, touch screen input systems, as well other standard input devices, such as a mouse, were not capable of operating at a level of functionality sufficient to support the requirements of mechanical spinning reels.

In contrast to video systems, high precision timing and efficiency are required for the control of mechanical spinning reels. This is due to the fact that *touch panel reel software* must be able to control the mechanical reels in true "real time" in order to properly control the starting and stopping of the mechanical reels. Correspondingly, a *touch panel controller* must be "reel-compatible," meaning that it must register and interpret the touch data from the touch panel in real time, and

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thereby operate at a level that is sufficient to support mechanical reel control. Since mechanical reels spin at very high rotational speeds (so that players cannot visually track the exact movements of the gaming icons), and since mechanical reels are also of a substantial size in diameter, the timing capabilities required to accurately stop the correct gaming symbol of a mechanical reel on the payline of a gaming window are extremely precise (i.e., a real time operative level). Otherwise, the mechanical reels cannot be stopped precisely enough to display the proper symbols along the payline. Traditional touch screen controllers and software used in conjunction with video slots are not capable of this level of sensitivity; nor are video gaming platforms or even standard desktop computers.

Additionally, a highly efficient touch screen controller is also required for mechanical reel spinning control. This efficiency requirement is due to the fact that errors or false readings from the touch screen controller could cause the mechanical reels to stop on the wrong gaming symbols, possibly resulting in unplanned winning combinations (which cannot be concealed from the player as in a video display system). This is an issue that is typically not a concern with video systems, but would be an issue with mechanical reel gaming machines, if a standard touch screen controller was attempted to be used to control the spinning of mechanical reels.

Accordingly, for video display purposes, software and touch-screen controllers can satisfactorily operate at greatly relaxed standards and merely appear to be operating in real time. However, as discussed above, this is not actually true real time, and therefore, is not capable of supporting mechanical reel control. To the contrary, in a mechanical reel spinning system, touch panel reel software must receive touch data from a touch-screen controller that is capable of functioning at a considerably more precise level, i.e., in real time, and thereby operate at a level that is sufficient to support mechanical reel control. Such a touch-screen controller can thus be defined as a reel-compatible touch-screen controller. The intricacies of both the touch panel reel software and the reel-compatible touch-screen controller are described in detail in the specification of the present application.

Standard touch screens are incapable of controlling a mechanical reel-spinning gaming machine. As noted above, one could NOT simply connect a standard touch screen attachment to a mechanical reel-spinning gaming machine and control the mechanical reels, thereby emulating the claimed invention. Prior art standard touch screens do NOT function at a level sufficient to

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support mechanical reel control. Nor would a standard mouse or any other standard selection device function at a level sufficient to support mechanical reel control. These are facts that were completely overlooked and/or not comprehended by the author of the Marchini patent. The Marchini patent does not exhibit any awareness of these missing elements that make the claimed invention of the present application functional, nor does this patent exhibit any awareness of the obstacles that had to be overcome in order to create those missing elements.

In conclusion, the Marchini patent does not teach or suggest each and every element of the claimed invention. While the Marchini patent does briefly mention the alternate use of a touch screen on a mechanical reel system, the patent does not teach or suggest the claimed elements recited above. Specifically, the Marchini patent does not teach or suggest either: (1) reel-compatible touch panel controller registers the touch data in real time and operates at a level that is sufficient to support mechanical reel control, or (2) touch panel reel software that interprets and utilizes the touch data received from the touch panel controller in real time and operates at a level that is sufficient to support mechanical reel control. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection of claims 1-2, 4-5, 13-20, 22-23, 25-26, 34-44, 46-47, 55-62, 64-65, 67-68, 76-83, and 85 as unpatentable over Marchini has been overcome.

3. Claims Rejections - 35 U.S.C. §103(a) – Claims 3, 24, 45, 66, and 86

Claims 3, 24, 45, 66, and 86 were rejected in the Office Action dated January 23, 2004, under 35 U.S.C. §103(a) as being unpatentable in view of Marchini et al., and further in view of Nolte et al. (U.S. Patent No. 6,165,070). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 1, 22, 43, and 64 have been amended. Claims 1, 22, 43, and 64 are independent claims. Claims 3 and 86 depend from independent claim 1; claim 24 depends from independent claim 22; claim 45 depends from independent claim 43; and claim 66 depends from independent claim 64. The bases for the rejection of the independent claims are traversed in detail on the understanding that dependent claims are also patentably distinct over the prior art as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

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The Examiner admits that Marchini does not teach the selective stopping capability utilized in the claimed invention. However, the Examiner states that Nolte teaches the selective stopping capability utilized in the claimed invention. The shortcomings of the Marchini patent have been fully discussed above. The Nolte reference does not resolve any of the Marchini deficiencies, and thus, claims 3, 24, 45, 66, and 86 are patentable for the same reasons stated above in Section 2. Namely, the Marchini patent and the Nolte patent do NOT teach or suggest: (1) a reel-compatible touch panel controller that registers and interprets the touch data from the touch panel in real time, wherein the reel-compatible touch panel controller registers the touch data in real time and operates at a level that is sufficient to support mechanical reel control; or (2) touch panel reel software that interprets and utilizes the touch data received from the touch panel controller in real time and operates at a level that is sufficient to support mechanical reel control, and wherein the touch panel reel software communicates the touch data to a reel controller that manipulates the mechanical reels in accordance with the touch data received. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 3, 24, 45, 66, and 86 has been overcome.

4. Claims Rejections - 35 U.S.C. §103(a) – Claims 4, 12, 34-41, 46, 54, 67, and 75

Claims 4, 12, 34-41, 46, 54, 67, and 75 were rejected in the Office Action dated January 23, 2004, under 35 U.S.C. §103(a) as being unpatentable in view of Marchini et al., and further in view of Bertram et al. (U.S. Patent No. 5,796,389). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 1, 22, 43, and 64 have been amended. Claims 1, 22, 43, and 64 are independent claims. Claims 4 and 12 depend from independent claim 1; claims 34-41 depend from independent claim 22; claims 46 and 54 depend from independent claim 43; and claims 67 and 75 depend from independent claim 64. The bases for the rejection of the independent claims are traversed in detail on the understanding that dependent claims are also patentably distinct over the prior art as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

The Examiner admits that Marchini does not teach the specific type of touch screen utilized in the claimed invention. However, the Examiner states that Bertram teaches various

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types of touch screens, including those utilized in the claimed invention. The shortcomings of the Marchini patent have been fully discussed above. The Bertram reference does not resolve any of the Marchini deficiencies, and thus, claims 4, 12, 34-41, 46, 54, 67, and 75 are patentable for the same reasons stated above in Section 2. Namely, the Marchini patent and the Bertram patent do NOT teach or suggest: (1) a reel-compatible touch panel controller that registers and interprets the touch data from the touch panel in real time, wherein the reel-compatible touch panel controller registers the touch data in real time and operates at a level that is sufficient to support mechanical reel control; or (2) touch panel reel software that interprets and utilizes the touch data received from the touch panel controller in real time and operates at a level that is sufficient to support mechanical reel control, and wherein the touch panel reel software communicates the touch data to a reel controller that manipulates the mechanical reels in accordance with the touch data received. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection of claims 4, 12, 34-41, 46, 54, 67, and 75 as unpatentable has been overcome.

5. Claims Rejections - 35 U.S.C. §103(a) – Claims 21, 63, and 84

Claims 21, 63, and 84 were rejected in the Office Action dated January 23, 2004, under 35 U.S.C. §103(a) as being unpatentable in view of Marchini et al., and further in view of Wiltshire et al. (U.S. Patent No. 6,409,602). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claims 21, 63, and 84 have been amended. Claims 21, 63, and 84 are independent claims.

The Examiner admits that Marchini does not teach the use of a plurality of touch panel terminals. Further, the Examiner also states that Wiltshire teaches using multiple gaming terminals in a networked environment that can play reel type games. The shortcomings of the Marchini patent have been fully discussed above. The Wiltshire reference does not resolve any of the Marchini deficiencies, and thus, claims 21, 63, and 84 are patentable for the same reasons stated above in Section 2. Namely, the Marchini patent and the Wiltshire patent do NOT teach or suggest: (1) a reel-compatible touch panel controller that registers and interprets the touch data from the touch panel in real time, wherein the reel-compatible touch panel controller registers the touch data in real time and operates at a level that is sufficient to support mechanical reel control; or (2) touch panel reel software that interprets and utilizes the touch data received

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from the touch panel controller in real time and operates at a level that is sufficient to support mechanical reel control, and wherein the touch panel reel software communicates the touch data to a reel controller that manipulates the mechanical reels in accordance with the touch data received. Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 21, 63, and 84 as unpatentable has been overcome.

6. Claims Rejections - 35 U.S.C. §103(a) – Claim 87

Claim 87 was rejected in the Office Action dated January 23, 2004, under 35 U.S.C. §103(a) as being unpatentable in view of Marchini et al., and further in view of Franchi (U.S. Patent No. 5,770,533). Applicants respectfully traverse this rejection. However, in order to provide clarification only, claim 1 has been amended. Claim 1 is the independent claim from which claim 87 depends. The bases for the rejection of independent claim 1 is traversed in detail on the understanding that dependent claim 87 is also patentably distinct over the prior art as it depends directly from independent claim 1. Nevertheless, dependent claim 87 includes additional features that, in combination with those of independent claim 87, provide further, separate, and independent bases for patentability.

The Examiner admits that Marchini does not teach a touch screen that also utilizes order services in the claimed invention. However, the Examiner states that Franchi teaches touch screens and order services as utilized in the claimed invention. The shortcomings of the Marchini patent have been fully discussed above. The Franchi reference does not resolve any of the Marchini deficiencies, and thus, claim 87 is patentable for the same reasons stated above in Section 2. Namely, the Marchini patent and the Franchi patent do NOT teach or suggest: (1) a reel-compatible touch panel controller that registers and interprets the touch data from the touch panel in real time, wherein the reel-compatible touch panel controller registers the touch data in real time and operates at a level that is sufficient to support mechanical reel control; or (2) touch panel reel software that interprets and utilizes the touch data received from the touch panel controller in real time and operates at a level that is sufficient to support mechanical reel control, and wherein the touch panel reel software communicates the touch data to a reel controller that manipulates the mechanical reels in accordance with the touch data received. Accordingly, Applicant respectfully submits that the 35 U.S.C. § 103(a) rejection of claim 87 as unpatentable has been overcome.

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CONCLUSION

Applicant has made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, it is clear that the differences between the claimed invention and the prior art are such that the claimed invention is patentably distinct over the prior art. Therefore, reconsideration and allowance of claims 1-87 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested. If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8319. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 6:30 PM Pacific Time.

Respectfully submitted,

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